

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANTHONY ENRIQUE ORTEGA,)	
)	
Petitioner,)	
vs.)	NO. CIV-11-0185-HE
)	
MIKE ADDISON, Warden,)	
)	
Respondent.)	

ORDER


Petitioner Anthony Enrique Ortega, a state prisoner appearing *pro se*, filed this case pursuant to 28 U.S.C. § 2254 seeking habeas relief. Petitioner subsequently filed a motion for leave to proceed *in forma pauperis*. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Doyle W. Argo, who recommends that petitioner's motion be denied and that he be ordered to prepay the full \$5 filing fee for this action to proceed. The magistrate judge also recommends transferring this case to the U.S. District Court for the Eastern District of Oklahoma, because the petitioner is challenging a conviction obtained in a state court located in that judicial district. 28 U.S.C. § 2241(d).

The petitioner did not object to the Report and Recommendation and thereby waived his right to appellate review of the issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1. Accordingly, the court adopts Magistrate Judge Argo's Report and Recommendation insofar as it **DENIES** petitioner's motion for leave to proceed *in forma pauperis* and orders petitioner to pay the filing fee in full to the Clerk of the Court **within fifteen (15) days**. For the sake of judicial efficiency, the court will refrain from ruling upon the recommended

transfer until petitioner either pays or fails to pay the \$5 filing fee within the provided time limit.

IT IS SO ORDERED.

Dated this 23rd day of March, 2011.



JOE HEATON
UNITED STATES DISTRICT JUDGE